

1 Faulkner was the lawyer at Broel who represented the interests of the estate. Based on
2 representations by Attorney Faulkner it was understood that the heirs had agreed to the
3 settlement and that all that remained was for the probate court to approve the settlement. Based
4 on that understanding the parties filed a stipulation to continue the show cause matter for sixty
5 days, or until September 30, 2016, so that the Georgia Probate Court could act, presumably in
6 favor of approving the settlement between the parties. Within the past thirty days Government
7 counsel has made repeated, unsuccessful attempts to contact Attorney Faulkner by phone and e-
8 mail.

9 Apparently, Mr. Faulkner recently left the firm and the case has yet to be formally
10 assigned to a new attorney. The interim attorney, Stephanie Banks, has explained to counsel for
11 the Government, that the new attorney will need to investigate the matter both with the
12 Administratrix, any interested heirs and the state probate court to assure that all entities are in
13 accord with regard to the disposition of this matter. Attorney Banks also informed counsel for the
14 Government that it was her understanding that a settlement agreement had been sent to the firm
15 by the Administratrix and was imminently expected. Once that is done, the newly-assigned
16 attorney will need to confirm with both the heirs and the court that all necessary due process
17 steps have been taken to assure the rights/interests of those heirs.

18 Attorney Banks has represented that all of the above-discussed matters can be achieved in
19 sixty (60) days and that settlement of this matter is still the projected outcome of this litigation.

20 The representations in this motion as well as the attached order of the Georgia Probate
21 Court demonstrate that the parties have been, and continue to work toward a likely settlement of
22 this matter which will facilitate completion of this action.

23 As such, the Government requests that this Court grant the parties an additional sixty (60)
24 days, or until November 30, 2016, to finalize settlement negotiations in this case, thereby making
25 show cause proceedings moot.

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1 Estate counsel for the decedent Noel Heard, in the person of Stephanie Banks, has
2 consented and stipulated to this motion to continue show cause proceedings.

3 Dated: September 28, 2016

4 Respectfully submitted,

5 Daniel G. Bogden
6 United States Attorney

7 By: Michael A. Humphreys
8 Michael A. Humphreys
9 Assistant United States Attorney

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11 **ORDER**

12 IT IS HEREBY ORDERED that the parties shall have an additional sixty (60) days, or
13 until November 30, 2016, by which to finalize settlement negotiations in this case.

14 DATED this 30th day of September, 2016.

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17 LARRY R. HICKS
18 UNITED STATES DISTRICT JUDGE
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